

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6424

BILL NUMBER: HB 1006

DATE PREPARED: Nov 20, 2000

BILL AMENDED:

SUBJECT: Methamphetamine and its Precursors.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill specifies that a violation of the rules of the State Chemist concerning agricultural ammonia is a Class C infraction.

The bill also makes the criminal penalties for offenses relating to methamphetamine equivalent to the penalties for offenses relating to cocaine. It also makes conforming changes.

The bill also makes it a Class D felony to: (1) store or transport anhydrous ammonia in violation of a law governing anhydrous ammonia equipment; (2) commit criminal mischief that damages equipment used to store, handle, or transport anhydrous ammonia; (3) commit criminal conversion of anhydrous ammonia or related equipment; or (4) possess anhydrous ammonia if the anhydrous ammonia is possessed with the intent to manufacture methamphetamine.

This bill also makes possession of anhydrous ammonia or two or more chemical reagents or precursors with intent to manufacture methamphetamine a Class C felony if the substances are possessed on a school bus or within 1,000 feet of a school, family housing project, or public park. It exempts a person from civil liability that results from the theft or criminal conversion of anhydrous ammonia or a container for anhydrous ammonia.

Effective Date: July 1, 2001.

Explanation of State Expenditures: This bill makes the range of criminal penalties for offenses relating to methamphetamine equivalent to the penalties for offenses relating to cocaine (felony murder, Class A, B, C, D felonies). It also creates penalties (Class C and D felonies) for offenses related to the storage, transport, and possession of anhydrous ammonia, as well as, creates a penalty (Class C infraction) for a violation of the rules of the State Chemist concerning agricultural ammonia.

The following prison terms and average lengths of stay apply.

<u>Felony</u>	<u>Prison Term</u>	<u>Average Time Served</u>
Murder	45 to 65 years	17 years, 6 months
Class A	20 to 50 years	8 years, 4 months
Class B	6 to 20 years	3 years, 6 months
Class C	2 to 8 years	2 years
Class D	6 months to 3 years, or reduction to a Class A misdemeanor	10 months

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a murder felony, and Class A, B, C, and D felonies is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. The maximum judgement for a Class C infraction is \$500 which is deposited in the state General Fund.

In addition, persons convicted of a drug-related offense may also be liable for a drug abuse, prosecution, interdiction, and correction fee ranging between \$200 and \$1,000. The revenue collected from this fee is deposited in the State User Fee Fund and distributed to state and local programs.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

In addition, if a person is convicted of a drug-related offense, a sentencing court may assess a marijuana eradication fee of not more than \$300 if the county has established a Weed Control Board. The court may also assess an alcohol and drug services program fee of not more than \$300 if a local government has

established an alcohol and drug services program. Revenue collected from the marijuana eradication fee is deposited into the county user fee fund. Revenue collected from the alcohol and drug services program fee is deposited in the county or city or town user fee fund.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.